

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22189 of 2007

Dated: 17.10.2007

Between:

Sri Sri Sri Pydi Thalli Amma Enterprises,
A firm registered under the Partnership Act,
Rep., by its Managing cum Working Partner
S.R.K.B.V.A.N. Raju, s/o late Rama Chandra Raju,
Aged 35 years, Occ: business,
R/o. Pina Vemali Village, Vizianagaram Mandal and
District

... Petitioners

AND

District Collector, Vizianagaram District,
Vizianagaram and two others

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.22189 of 2007

ORDER :

This writ petition is filed for a writ of mandamus to declare the action of the respondents in seeking to demolish the building on land admeasuring 484 square yards situated in T.S.No. 1048, Ward No.8, bearing door No. 8-10-45 of Santhapet, Vizianagaram Town and District as illegal and unconstitutional. The petitioner also sought for a mandatory direction to the respondents not to demolish the said property.

From the averments contained in the affidavit filed in support of the writ petition, it is evident that consequent on certain orders passed by a Division Bench of this Court in Writ Petition No. 2493 of 2006 filed in public interest, respondent No.3 issued notice dated 25-9-2007 under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short, 'the Act'), wherein the petitioner was called upon to show cause as to why the property in dispute which is described as located in a tank shall not be demolished. In response to the said notice, the petitioner filed its reply on 14-10-2007.

Having submitted its reply, the petitioner filed the present writ petition mainly on the ground that the notice issued under Section 7 of the Act is vague and bereft of necessary details.

Heard Sri P. Venugopal, learned counsel representing Sri S.V.R. Subrahmanyam. Admittedly, the petitioner sent its reply in response to the notice issued under Section 7 of the Act. If the petitioner feels that necessary details are not contained in the notice, it is always open to it to seek supply of such details. It is not the case of

the petitioner that respondent No.3 has no jurisdiction to issue the notice under Section 7 of the Act. Since respondent No.3 had exercised the statutory powers vested in him, it is not proper for this Court to interdict further action by him. If after consideration of the explanation of the petitioner, an order adverse to its interest is passed, it is always open to the petitioner to avail the remedies available to it in law. Therefore, I am not inclined to entertain this writ petition at this stage as it is premature.

Sri P. Venugopal, however, submitted that the petitioner apprehends that even before an order under Section 6 of the Act is passed, the respondents may take action for demolition of the property. Though no such averments are made in the affidavit in view of the submission made by the learned counsel, it is made clear that the respondents shall not interfere with or demolish the property in dispute, till the final orders are passed by respondent No.3 under Section 6 of the Act.

Subject to the above, the writ petition is dismissed.

C.V.NAGARJUNA REDDY, J

Date: 17.10.2007

Va/ks